

DECLARATION, POWER OF ATTORNEY, AND PETITION

We, Robert M. Fries and Michael K. Fleming, declare: that we are citizens of the United States of America; that our residences and post office addresses are 16530 NE 122nd, Redmond, WA 98052 and 460 Monterrey Blvd, Unit 105, San Francisco, CA 94127, respectively; that we verily believe we are the original, first, and joint inventors of the subject matter of the invention or discovery entitled "SYSTEMS AND METHODS FOR DETECTING TAMPERING OF A COMPUTER SYSTEM BY CALCULATING A BOOT SIGNATURE," for which a patent is sought and which is described and claimed in the specification attached hereto; and that we acknowledge the duty to disclose information which is material to the examination of this application in accordance with Section 1.56(a) of Title 37 of the Code of Federal Regulations.

We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.


We hereby appoint as our attorneys and/or patent agents all listed under Customer No. 022913; and DANIEL D. CROUSE, Registration No. 32,022; and KATIE SAKO, Registration No. 32,628, of MICROSOFT CORPORATION, One Microsoft Way, Redmond, Washington 98052, with full power to prosecute this application and to transact all business in the Patent and Trademark

Office connected therewith. All correspondence and telephonic communications should be directed to:

RICK D. NYDEGGER
WORKMAN, NYDEGGER & SEELEY
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111

Wherefore, we pray that Letters Patent be granted to us for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition.

Signed at Redmond, Washington this 11 day of JAN, 2001.

Inventor: 
Robert M. Fries
16530 NE 122nd
Redmond, WA 98052

Signed at San Francisco, California this _____ day of _____, 2001.

Inventor: _____
Michael K. Fleming
460 Monterrey Blvd, Unit 105
San Francisco, CA 94127

Express Mail Label No. EL 417 646 562 US

PATENT APPLICATION

Docket: 14531.68

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
)
Robert M. Fries, et al.)
)
Serial No.: Not Yet Assigned)
)
Filed: Herewith)
)
For: SYSTEMS AND METHODS FOR)
DETECTING TAMPERING OF A)
COMPUTER SYSTEM BY)
CALCULATING A BOOT SIGNATURE)

DECLARATION OF ADRIAN J. LEE
SETTING FORTH STATEMENT OF FACTS
REGARDING REFUSAL OF NONSIGNING INVENTOR

Assistant Commissioner for Patents
Washington, D. C. 20231

Sir:

1. Upon entry of the accompanying Declaration, Power of Attorney, and Petition, the undersigned, Adrian J. Lee, will be an attorney of record in the above-identified application.
2. The accompanying Declaration, Power of Attorney, and Petition names Robert M. Fries and Michael K. Fleming as co-inventors of the above-identified application filed herewith.
3. As evidenced by the attached Exhibit A, on October 12, 2000, Bryan Imai of the legal department of Microsoft instructed me to forward a Declaration, Power of Attorney and

Petition for the accompanying application to Michael K. Fleming for signing. WebTV Networks, Inc., the assignee and owner of the accompanying application is a wholly owned subsidiary of Microsoft.

4. On October 12, 2000, I sent a Federal Express package having a FedEx tracking number of 811136658347 to Michael K. Fleming that included a draft of the accompanying application, a Declaration, Power of Attorney, and Petition, and a letter requesting Michael K. Fleming's signature. A copy of the FedEx USA Airbill is attached herewith as Exhibit B. A copy of the letter is attached herewith as Exhibit C.

5. As evidenced by attached Exhibit D, Michael K. Fleming signed for the Federal Express package on October 13, 2000.

6. On November 29, 2000, I transmitted via e-mail a reminder to Michael K. Fleming requesting his signature on the Declaration, Power of Attorney, and Petition. A copy of the e-mail is attached herewith as Exhibit E.

7. On December 8, 2000, Rick D. Nydegger, an attorney of record upon entry of the accompanying Declaration, Power of Attorney, and Petition, sent a Federal Express package having a FedEx tracking number of 404543765617 to Michael K. Fleming that included another copy of the Declaration, Power of Attorney, and Petition for the accompanying application. As evidenced by the attached tracking receipt (Exhibit F), shipment was refused by the recipient. A copy of the letter is attached herewith as Exhibit G.

8. On January 2, 2001, I received an e-mail from Bryan Imai that included an attached e-mail from Bob Fries, one of the named inventors, to Bryan Imai indicating that Michael Fleming refuses to sign the accompanying application. A copy of the e-mail is attached herewith as Exhibit H.

9. As of the date this declaration is signed, I have not received a signed Declaration, Power of Attorney, and Petition back from Michael K. Fleming.

10. As set forth in the foregoing facts, after diligent effort, Michael K. Fleming has refused to join in the application for patent.

11. The last known address for Michael K. Fleming is:

Michael K. Fleming

460 Monterey Blvd., Unit 105

San Francisco, California 94127

12. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated this 19th day of January, 2001.

Respectfully submitted,



ADRIAN J. LEE
Attorney for Applicant
Registration No. 42,785

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